

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANNE LEVITT, individually and on behalf
of others similarly situated,

Plaintiff,

v.

HAVE A HEART COMPASSION CARE,
INC. d/b/a A CANNABIS STOREY

Defendant.

NO. 2:20-CV-01154-BJR

ORDER LIFTING STAY OF
PROCEEDINGS AND ADJUSTING CASE
SCHEDULE

This matter is before the Court on the parties' joint motion to lift the stay of proceedings in this case. Dkt. No. 21. As directed by the Court, both parties have also provided the Court with their views on whether adjustments to the case schedule are warranted.

In this putative class action, Plaintiff alleges Defendant violated the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 et seq. The existing case schedule includes an expert report deadline of August 16, 2021, a discovery deadline of September 15, 2021, and a dispositive motions deadline of October 15, 2021. The trial date is set for March 14, 2022. The current case schedule does not set a deadline for Plaintiff to file a motion for class certification.

The Court stayed proceedings at the parties' request on March 18, 2021, pending the U.S. Supreme Court's decision in *Facebook, Inc. v. Duguid*, 141 S. Ct. 1163 (2021). The Supreme Court issued a decision in the case on April 1, 2021. The Supreme Court's decision interpreted

1 the meaning of the term “automatic telephone dialing system” (also known as an “autodialer”)
2 under the TCPA.


3 Defendant suggests that the case should be bifurcated to provide for discovery, motions
4 practice, and a ruling solely limited to the issue of whether Defendant used an “autodialer”
5 within the meaning of the TCPA. Plaintiff opposes Defendant’s proposal to bifurcate.
6

7 The Court declines to order bifurcation of the case as proposed by Defendant. However,
8 the Court expects the parties will proceed diligently to complete discovery on the issue of
9 whether Defendant used an “autodialer” within the meaning of the TCPA. Because this case was
10 stayed for approximately one month, the Court will extend the deadlines for expert reports,
11 completion of discovery, and filing dispositive motions by one month as set forth below. The
12 Court will also set a deadline for Plaintiff to file a motion for class certification.
13

14 Therefore, the Court ORDERS as follows:

- 15 1. The stay of proceedings is LIFTED.
- 16 2. The deadline for reports from expert witnesses under FRCP 26(a)(2) is extended to
17 September 15, 2021.
- 18 3. The deadline for completing discovery is extended to October 15, 2021.
- 19 4. The deadline for dispositive motions is extended to November 15, 2021.
- 20 5. The deadline for Plaintiff to file a class certification motion is November 15, 2021.
- 21
- 22

23 Dated this 23rd day of April, 2021.

24 
25 Barbara Jacobs Rothstein
26 U.S. District Court Judge
27
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